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January 24, 2006

VIA EMAIL ONLY

Heidi E. Harvey
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Re: Qwest Communications International, Inc. v. CONQWEST, Inc.
Civil Action No.: 04-cv-11878 RCL

Dear Ms. Harvey:

In accord with our conversation of January 19, 2006, you committed to send to me not later than January 23, 2006 all of the responses to discovery as well as all of the responsive documents. You also further committed to send me any Rule 30(b)6 notice for CONQWEST so as not to duplicate the production of Michelle Drolet. At present, I have received none of the above. If you fail to send me the proposed 30(b)6 notice by noon today, I will be forced to conclude that you have no intention of proceeding with the deposition of Michelle Drolet on January 26, 2006 since to do so in the absence of the 30(b)6 notice defeats the time economy which we both agreed was paramount in collapsing the personal depositions together with those of the respective designees. Further, in the absence of the notice, I am prevented from having an opportunity to prepare my client and witness for the appearance and as such will be unable to proceed on the 26th.

Further, as of the present, I have not received the promised list of designees for the Qwest 30(b)6, the order and the topics which they will respond to. You have had the notice in your possession for 10 days at this time. We have also noticed all of the witnesses disclosed on the Qwest corporate disclosure. You have indicated some of these will be produced in response to the Rule 30(b)6. While it is my practice to accommodate opposing counsel in the scheduling and have agreed to collapse the personal depositions with the designee depositions for those produced, I am concerned that to date, I can not even begin to prepare for this large undertaking because you have not produced the documents but similarly, the schedule of witnesses so that I can determine if any non-designees will need to be compelled to attend in the Commonwealth or whether there are other relevant witnesses. Although the Court has graciously

extended the fact discovery period to the end of February, 2006, I have an obligation to my client to conduct the needed discovery prior to the end of the deadline. I have a very busy February and based upon your apparent response time problems, I must insist that you provide the promised schedule and documents as soon as possible.

Finally, if there is no planned production of the information which is outstanding, please consider this letter as my request for a Rule 7.1 conference so that I can proceed with the relevant motions to compel. As you know, it is not my desire to have to spend my client's time and money on such motions, but under the circumstances, I am forced to conclude that there is no choice in the matter.

Thank you in advance for your continued cooperation and please forward to me the information immediately so that we can determine a scheduled.

Very truly yours,

Rosemary A. Macero